

Fink, Robert - NY

From: Fink, Robert - NY  
Sent: Wednesday, January 03, 2001 9:29 AM  
To: 'Avner'  
Cc: 'Marc Rich'; 'Jack Quinn'; 'Kitty Behan'  
Subject: RE: Status of application.

I don't think any thing is too late until the term expires, but I do think (and I mean it is just me thinking, not anyone telling me) that after a while it becomes less likely. It is good to hear from Mike's friend, who is the friend of the chief of staff, that we are still in the mix and that there are still more pardons to come, but there is only a little over two weeks left to this administration, so we do not have a lot of time. What Mike was clearly telling me was that no effort should be spared this week to make sure we get consideration at the staff level as well as at the POTUS level. Meanwhile I missed Michael, who left town and is now in the King David. I was going to ask him if there is anyone he knows who he trusts and who might be able to speak to Rudy, but every time I think about it I feel that contacting Rudy is a bad idea. At this point it is unlikely that anything good can come from an overture to Rudy, and I could easily see how something bad can happen. If any of you feel differently, let me know.

Separately, in the WSJ today there is a favorable article on Pat Fitzgerald as he starts the "terrorist" trial hear on the embassy bombings. He is described as a hard driving relentless prosecutor after the bad guys. Even Jim Comey is quoted commenting on Pat. I will fax it to you and the ccs.

Best regards, Bob

-----Original Message-----

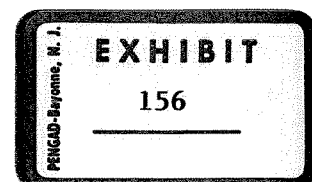
From: Avner [SMTP:azulrich@  
Sent: Wednesday, January 03, 2001 7:27 AM  
To: Fink, Robert - NY  
Cc: quinn jack; behan kathleen; Rich, Marc  
Subject: Re: Status of application.

After rereading your email, I wonder what Mike exactly meant or was this a humorous comment? As I have updated - after this wknd - and MR's mtgs - we expect additional and repeat calls to potus. Is this going to be too late?

----- Original Message -----

From: Fink, Robert - NY <robert.fink@  
To: 'Avner Azulay' <azulrich@  
<marc.rich@  
Sent: Wednesday, January 03, 2001 01:21  
Subject: Status of application.

> I learned from Mike Green today that our case is still pending and is part  
> of a large group that may be considered at the end of the week. But his  
> friend told him that we need a rabbi among the people in the counsel's  
> office (it seems that Mike's friend believes we do not have one yet), so I  
> have written Jack to ask him to follow up with the two people there (Beth  
> and Bruce), both of whom received our papers, both of whom he knows well  
> and  
> both of whom he has already discussed this matter.  
> Jack is traveling now, so I sent him an email and hope to speak with him  
> in  
> the morning.  
> Naturally, I will keep you posted.



> Best regards, Bob

>

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> The information contained in this communication may be confidential, is intended only for the use of the recipient named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system.

> Thank you.

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> For more information about Piper Marbury Rudnick & Wolfe, please visit us at <http://www.piperrudnick.com/>

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Fink, Robert - NY

From: Fink, Robert - NY  
Sent: Wednesday, January 03, 2001 9:34 AM  
To: 'Jack Quinn'  
Cc: 'Avner Azulay'; 'Kitty Behan'; 'Marc Rich'  
Subject: FW:

I do not know these people. I think we have to leave this to your best judgement.  
Bob

-----Original Message-----

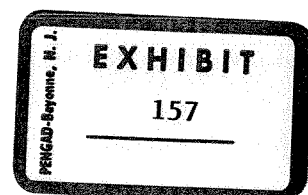
From: Avner [SMTP:azulrich@redacted]  
Sent: Wednesday, January 03, 2001 2:39 AM  
To: Jack Quinn; Fink, Robert - NY; behan kathleen  
Cc: Rich, Marc  
Subject: Re: [redacted]

Looking from the sideline and hearing all this - I would like to forward the idea that perhaps we should just leave HRC alone. By initiating a call to her we are "saying in a way that there is a problem here..." ,and in the process we might create a problem out of speculations on her reaction .I don't think we have any positive knowledge that she is for or against,only assumptions .Potus should deal with this himself - and if it does then intervene with all the arguments etc.

----- Original Message -----

From: Jack Quinn <JQuinn@redacted>  
To: <robert.fink@redacted>  
Cc: <azulrich@redacted> <Kathleen\_Behan@redacted>  
Sent: Wednesday, January 03, 2001 00:21  
Subject: RE: [redacted]

> I'll be glad to do it. Perhaps I shd have a chat with beth to better  
> understand her point of view and so as not to surprise her when and if she  
> learns of my call.  
> -----  
> Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)  
>  
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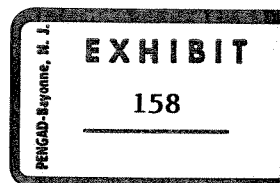
JQuinn@QuinnGillespie.com on 01/03/2001 04:44:42 PM

To: azulrich@netvision.net.il, robert.fink@piperrudnick.com  
cc: JQuinn@QuinnGillespie.com, Kathleen Behan/Atty/DC/ArnoldAndPorter@APORTER  
marc.rich@corn-box.com

Subject: RE: Status of application.

I just got off the phone with Beth Nolan, the White House Counsel. She told me that her office will do the next "reassessment" of our and other applications on Friday. I impressed upon her that our case is "sui generis" only in that MR was indicted but did not stand trial and then elaborated at some length on the circumstances of MR's decision not to return -- the facts that Rudy was new, was trying to make a reputation, overcharged in the most gross way (and in ways that would not stand today -- RICO, mail/wire fraud, etc.) and that MR, seeing the mountain of adverse publicity generated by the US Atty's ofc and the disproportionate charges, made the choice anyone would make, i.e., not to return. She responded that this is still a tough case -- that the perception will nevertheless be that MR is in some "sense" a fugitive. I explained why he is not. I told her that I want an opportunity to know, before a final decision, if there are things we have not said or done that should be said or done. She promised me that opportunity. I asked if she would see us to review the matter in person and she said she would if there was reason to think, after her reassessment, that that would be fruitful. I told her, finally, that I intend to have one more conversation with POTUS before this is finalized in order to make the case to him, focusing in particular on his appreciation of what an overly-zealous prosecutor can do to make a fair trial, in court or in the court of public opinion, impossible. Lastly, I told her that, if they pardon JP, then pardoning MR is easy, but that, if they do not pardon JP, then they should pardon MR. In the last connection, she affirmed that they have heard from people in or connected to the GOI. >

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A0864

January 5, 2001

The Honorable William Jefferson Clinton  
President of the United States  
The White House  
Washington, DC 20502

Dear Mr. President:

Just in case I do not get another chance to speak to you in the next few days, I want to make several points about the lengthy pardon petition I filed on behalf of Marc Rich and Pinky Green.

On a personal note, I believe in this cause with all my heart. When first approached about getting involved, I was highly skeptical. But, I studied the facts and the law carefully and became convinced of both Marc's innocence and the outrageously prejudicial and unfair treatment of him by the then-new U.S. Attorney in New York, Mr. Guiliani.

Marc was indicted on charges (e.g., RICO and mail fraud) that, under Department of Justice policy and case law, could not be brought today. The core of the charges against him, however, was a tax case which two of the most prominent tax professors in America (Marty Ginsburg at Georgetown and Bernard Wolfman at Harvard) conclude was no case at all. Perhaps, more importantly, the United States Department of Energy, which was charged with enforcing the energy regulations underlying his dispute with the Government, concluded that Marc's tax accounting of the transactions was proper.

More specifically, the indictment arose out of "linked" domestic and foreign transactions in 1980 and early 1981 undertaken by corporations in which Marc and Pinky were principals, with major oil companies on the other side, including ARCO. During the period of oil price controls (which came to be universally regarded, even by the regulators charged with their enforcement, as confusing and of questionable soundness), such "linked" transactions were common.

The nature of the transactions were not originated by the Marc's corporations; indeed, Marc was told about them and implored to enter them by others (who were not

EXHIBIT

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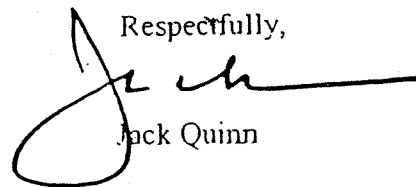
PERCUT-Beyonce, N. J.

indicted). At the time, many, and perhaps most, of the entities in the oil trading business were engaged in similar efforts to avoid the impact of the price control regulations. Yet there were no indictments for any of the transactions even remotely resembling the linked transactions that are the subject of Marc's case. All other cases -- and there literally were several thousand of them -- were handled as civil administrative matters. This included the enforcement claim against ARCO. Significantly, much of the ARCO case was based on the very linked transactions which formed the basis of the bulk of the indictment against Marc. However -- and this is important -- in the civil case against ARCO, the Department of Energy took the position that Marc's corporations had properly accounted for the transactions and that ARCO had not. Based on that position, which is contrary to the position taken by the Southern District in Marc's case, the government obtained a consent judgment for many, many millions of dollars from ARCO.

Marc, though, was not only singled out for prosecution. He was tried in the press. An avalanche of leaks to the New York press made a fair trial, in his eyes, impossible. Together with the grossly exaggerated nature of the charges against him, this led him to remain out of the country and not return to face the charges. Whether this was wise on his part or not is beside the point. But, it is worth mentioning that no one has ever suggested that Marc was in any respect legally culpable for remaining outside the United States.

Our pardon petition is meritorious. No one other than you can and will resolve this matter. His may not be the only injustice out there, but that cannot be a reason not to correct this one. I hope you will.

Best regards.

Respectfully,  
  
Jack Quinn

**Fink, Robert - NY**

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**From:** Fink, Robert - NY  
**Sent:** Friday, January 05, 2001 6:05 PM  
**To:** 'Mike Green'; 'Avner Azulay'  
**Subject:** FW: Final POTUS

Here is the letter Jack just sent to the White House. As you may notice, his secretary said that Jack sent copies to Beth Nolan, Bruce Lindsey and Cheryl Mills. April said they have clearance to deliver it to the WH, so it will get there this evening, presumably before POTUS leaves for Camp David.

To Avner (with whom I am not be speaking this afternoon and evening), if you call me at home tomorrow I can give you an update.

Bob

-----Original Message-----

**From:** April Moore [SMTP:AMoore@  
**Sent:** Friday, January 05, 2001 6:02 PM  
**To:** 'Fink, Robert - NY'  
**Cc:** 'Kathleen Behan (E-mail)  
**Subject:** Final POTUS

We also cced Beth Nolan, Bruce Lindsey, and Cheryl Mills.



POTUS ltr. 1.5.00.doc



U.S. Department of Justice

Pardon Attorney

500 First Street, N.W.  
Suite 400  
Washington, D.C. 20530

10/7 - 7 2000

Lonnie Anne Pera, Esq.  
Zuckert Scoutt & Rasenberger, L.L.P.  
888 Seventeenth Street, N.W.  
Washington, D.C. 20006-3309

Dear Ms. Pera:

This is in reference to your letter of October 4, 2000, forwarding to this office at the request of your client, Ms. Vivian Mannerud, the application for presidential pardon submitted by Ms. Mannerud's father, Mr. Fernando Fuentes Coba. Mr. Coba's petition recounts that he was convicted of conspiring to transport goods and equipment to Cuba and was sentenced to a one-year prison term and a \$10,000 fine, that following the exhaustion of his appeals, he failed to surrender to serve his sentence, and that in 1985, he fled the United States for Mexico, where he has lived ever since.

I must inform you that under the regulations governing petitions for executive clemency and the well-established policies under which this office processes clemency requests, Mr. Coba is ineligible to apply for a presidential pardon. Pursuant to 28 C.F.R. § 1.2 (copy enclosed), "[n]o petition for pardon should be filed until the expiration of a waiting period of at least five years after the date of the release of the petitioner from confinement . . . ." Because Mr. Coba has served none of his prison sentence, he fails to meet this most basic eligibility requirement for pardon consideration. Moreover, the Department of Justice has consistently declined to accept pardon petitions from individuals, such as Mr. Coba, who are fugitives, since the pardon process assumes the Government's ability to implement either of the President's possible decisions regarding a petition - that is, a denial of clemency as well as a grant of clemency. Put another way, it is not reasonable to allow a person to ask that the President grant him a pardon which, if granted, would have the effect of eliminating the term of imprisonment to which he has been sentenced, while at the same time insulating himself from having to serve the sentence if the pardon is denied. Finally, even if Mr. Coba were not a fugitive, his lengthy domicile outside the United States would preclude consideration of his pardon request. As a matter of well-established policy, the Department of Justice generally does not process pardon applications from non-residents of the United States because foreign residence presents significant difficulties to the conduct of the necessary background investigation into an applicant's post-conviction life.



Given the circumstances presented by Mr. Coba's case, this office is unable to process his pardon petition. We therefore will take no action upon it.

Sincerely,

A handwritten signature in cursive script that reads "Roger C. Adams".

Roger C. Adams  
Pardon Attorney

Enclosure

# RULES GOVERNING PETITIONS FOR EXECUTIVE CLEMENCY:

## UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C.

### PART I - EXECUTIVE CLEMENCY

#### Sec.

- 1.1 Submission of petition; form to be used; contents of petition.
- 1.2 Eligibility for filing petition for pardon.
- 1.3 Eligibility for filing petition for commutation of sentence.
- 1.4 Offenses against the laws of possessions or territories of the United States.
- 1.5 Disclosure of files.
- 1.6 Consideration of petitions; notification of victims; recommendations to the President.
- 1.7 Notification of grant of clemency.
- 1.8 Notification of denial of clemency.
- 1.9 Delegation of authority.
- 1.10 Procedures applicable to prisoners under a sentence of death imposed by a United States Court.
- 1.11 Advisory nature of regulations.

Authority: U.S. Const., Art. II, sec. 2; authority of the President as Chief Executive; and 28 U.S.C. §§ 509, 510.

§ 1.1 Submission of petition; form to be used; contents of petition.

A person seeking executive clemency by pardon, reprieve, commutation of sentence, or remission of fine shall execute a formal petition. The petition shall be addressed to the President of the United States and shall be submitted to the Pardon Attorney, Department of Justice, Washington, D.C. 20530, except for petitions relating to military offenses. Petitions and other required forms may be obtained from the Pardon Attorney. Petition forms for commutation of sentence also may be obtained from the wardens of

federal penal institutions. A petitioner applying for executive clemency with respect to military offenses should submit his or her petition directly to the Secretary of the military department that had original jurisdiction over the court-martial trial and conviction of the petitioner. In such a case, a form furnished by the Pardon Attorney may be used but should be modified to meet the needs of the particular case. Each petition for executive clemency should include the information required in the form prescribed by the Attorney General.

§ 1.2 Eligibility for filing petition for pardon.

No petition for pardon should be filed until the expiration of a waiting period of at least five years after the date of the release of the petitioner from confinement or, in case no prison sentence was imposed, until the expiration of a period of at least five years after the date of the conviction of the petitioner. Generally, no petition should be submitted by a person who is on probation, parole, or supervised release.

§ 1.3 Eligibility for filing petition for commutation of sentence.

No petition for commutation of sentence, including remission of fine, should be filed if other forms of judicial or administrative relief are available, except upon a showing of exceptional circumstances.

§ 1.4 Offenses against the laws of possessions or territories of the United States.

Petitions for executive clemency shall relate only to violations of laws of the United States. Petitions relating to violations of laws of the possessions of the United States or territories subject to the jurisdiction of the United States should be submitted to the appropriate official or agency of the possession or territory concerned.

§ 1.5 Disclosure of files.

Petitions, reports, memoranda, and communications submitted or furnished in connection with the consideration of a petition for executive clemency generally shall be available only to the officials

concerned with the consideration of the petition. However, they may be made available for inspection, in whole or in part, when in the judgment of the Attorney General their disclosure is required by law or the ends of justice.

§ 1.6 Consideration of petitions; notification of victims; recommendations to the President.

(a) Upon receipt of a petition for executive clemency, the Attorney General shall cause such investigation to be made of the matter as he or she may deem necessary and appropriate, using the services of, or obtaining reports from, appropriate officials and agencies of the Government, including the Federal Bureau of Investigation.

(b)(1) When a person requests clemency (in the form of either a commutation of a sentence or a pardon after serving a sentence) for a conviction of a felony offense for which there was a victim, and the Attorney General concludes from the information developed in the clemency case that investigation of the clemency case warrants contacting the victim, the Attorney General shall cause reasonable effort to be made to notify the victim or victims of the crime for which clemency is sought:

(i) That a clemency petition has been filed;

(ii) That the victim may submit comments regarding clemency; and

(iii) Whether the clemency request ultimately is granted or denied by the President.

(2) In determining whether contacting the victim is warranted, the Attorney General shall consider the seriousness and recency of the offense, the nature and extent of the harm to the victim, the defendant's overall criminal history and history of violent behavior, and the likelihood that clemency could be recommended in the case.

(3) For the purposes of this paragraph (b), "victim" means an individual who:

(i) Has suffered direct or threatened physical, emotional, or pecuniary harm as a result of the

commission of the crime for which clemency is sought (or, in the case of an individual who dies or was rendered incompetent as a direct and proximate result of the commission of the crime for which clemency is sought, one of the following relatives of the victim (in order of preference): the spouse; an adult offspring; or a parent); and

(ii) Has on file with the Federal Bureau of Prisons a request to be notified pursuant to 28 CFR 551.152 of the offender's release from custody.

(4) For the purposes of this paragraph (b), "reasonable effort" is satisfied by mailing to the last-known address reported by the victim to the Federal Bureau of Prisons under 28 CFR 551.152.

(5) The provisions of this paragraph (b) apply to clemency cases filed on or after September 28, 2000.

(c) The Attorney General shall review each petition and all pertinent information developed by the investigation and shall determine whether the request for clemency is of sufficient merit to warrant favorable action by the President. The Attorney General shall report in writing his or her recommendation to the President, stating whether in his or her judgment, the President should grant or deny the petition.

#### § 1.7 Notification of grant of clemency.

When a petition for pardon is granted, the petitioner or his or her attorney shall be notified of such action and the warrant of pardon shall be mailed to the petitioner. When commutation of sentence is granted, the petitioner shall be notified of such action and the warrant of commutation shall be sent to the petitioner through the officer in charge of his or her place of confinement, or directly to the petitioner if he/she is on parole, probation, or supervised release.

#### § 1.8 Notification of denial of clemency.

(a) Whenever the President notifies the Attorney General that he has denied a request for clemency, the Attorney General shall so advise the petitioner and close the case.

(b) Except in cases in which a sentence of death has been imposed, whenever the Attorney General recommends that the

President deny a request for clemency and the President does not disapprove or take other action with respect to that adverse recommendation within 30 days after the date of its submission to him, it shall be presumed that the President concurs in that adverse recommendation of the Attorney General, and the Attorney General shall so advise the petitioner and close the case.

#### § 1.9 Delegation of authority.

The Attorney General may delegate to any officer of the Department of Justice any of his or her duties or responsibilities under §§ 1.1 through 1.8.

#### § 1.10 Procedures applicable to prisoners under a sentence of death imposed by a United States District Court.

The following procedures shall apply with respect to any request for clemency by a person under a sentence of death imposed by a United States District Court for an offense against the United States. Other provisions set forth in this part shall also apply to the extent they are not inconsistent with this section.

(a) Clemency in the form of reprieve or commutation of a death sentence imposed by a United States District Court shall be requested by the person under the sentence of death or by the person's attorney acting with the person's written and signed authorization.

(b) No petition for reprieve or commutation of a death sentence should be filed before proceedings on the petitioner's direct appeal of the judgment of conviction and first petition under 28 U.S.C. 2255 have terminated. A petition for commutation of sentence should be filed no later than 30 days after the petitioner has received notification from the Bureau of Prisons of the scheduled date of execution. All papers in support of a petition for commutation of sentence should be filed no later than 15 days after the filing of the petition itself. Papers filed by the petitioner more than 15 days after the commutation petition has been filed may be excluded from consideration.

(c) The petitioner's clemency counsel may request to make an oral presentation of reasonable duration to the Office of the Pardon Attorney in support of the clemency petition. The presentation

should be requested at the time the clemency petition is filed. The family or families of any victim of an offense for which the petitioner was sentenced to death may, with the assistance of the prosecuting office, request to make an oral presentation of reasonable duration to the Office of the Pardon Attorney.

(d) Clemency proceedings may be suspended if a court orders a stay of execution for any reason other than to allow completion of the clemency proceeding.

(e) Only one request for commutation of a death sentence will be processed to completion, absent a clear showing of exceptional circumstances.

(f) The provisions of this § 1.10 apply to any person under a sentence of death imposed by a United States District Court for whom an execution date is set on or after August 1, 2000.

#### § 1.11 Advisory nature of regulations.

The regulations contained in this part are advisory only and for the internal guidance of Department of Justice personnel. They create no enforceable rights in persons applying for executive clemency, nor do they restrict the authority granted to the President under Article II, Section 2 of the Constitution.

Fink, Robert - NY

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From: Fink, Robert - NY  
Sent: Friday, January 12, 2001 5:15 PM  
To: 'Jack Quinn'  
Cc: 'Avner Azulay'; 'Marc Rich'; 'Kitty Behan'  
Subject: RE: telecons to potus

Once again, I am impressed. Now we just need some help with his friends in the counsel's office.

Jack, have a good weekend, and if I can be helpful in any way call me in Vermont, [REDACTED] I will be back in Chappaqua on Monday, [REDACTED]. I will be thinking about this in both places.

Best regards, Bob

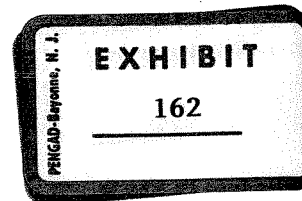
PS to Avner, please call me at home on Monday. Have a good flight.

-----Original Message-----

From: Avner Azulay [SMTP:azulrich@[REDACTED]]  
Sent: Friday, January 12, 2001 5:16 PM  
To: jquinn@[REDACTED]; marc.rich@[REDACTED]; robert.fink@[REDACTED]; kathleen\_behan@[REDACTED]  
Subject: telecons to potus

Following mr's mtg with the pm - the latter called potus this week. Potus said he is very much aware of the case, "that he is looking into it and that he saw 2 fat books which were prepared by these people". Potus sounded positive but made no concrete promise.

Rabin has a telecon date with potus on Monday.  
Regards-Avner

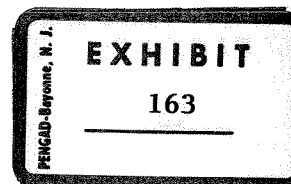


Fink, Robert - NY

From: Fink, Robert - NY  
Sent: Tuesday, December 26, 2000 11:12 AM  
To: 'Jack Quinn'  
Cc: 'Kitty Behan'; 'Marc Rich'; 'Avner Azulay'  
Subject: More follow up on MR

Kitty and I think the best person to call Hilary (if it makes sense to make to call her at all) may well be Denise. She is in Aspen; let me know if you need the number. (I am sure I can get it for you.)

Is there some way to find out if the lawyers will speak (or have spoken) to Eric and if they are going to call the SDNY? Is there some way we can have an opportunity to respond to whatever they say (assuming it in anyway is in disagreement with what we said)?



Fink, Robert - NY

F. om: Fink, Robert - NY  
Sent: Tuesday, December 26, 2000 5:25 PM  
To: 'Jack Quinn'  
Cc: 'Marc Rich'; 'Avner Azulay'; 'Gershon Kekst'; 'Kitty Behan'; 'Mike Green'

Of all the options we discussed, the only one that seems to have real potential for making a difference is the HRC option and even that has peril if not handled correctly. I assume, and am emphasizing that this is an assumption, that we want Avner to speak to Abe about the support this will get in NY to see if Abe could make the necessary representation to HRC.

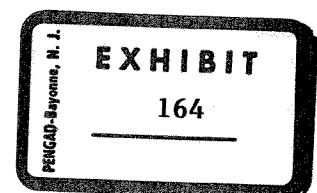
As for contacting Rudy, that seems to be too fraught with peril, and I am against it unless someone has some inside information which would strongly suggest he is willing to stay on the side lines and we only want confirmation. I doubt there is anyone who can do that.

Frankly, I think we benefit from not having the existence of the petition known, and do not want to contact people who are unlikely to really make a difference but who could create press or other exposure. By this analysis, I would probably pass on having Michael contact Morgenthau, but, in any event, I have not had any success in reaching Michael. I will keep trying and have asked his secretary to pass on to him that I am trying to reach him.

Moreover, based on your reaction to the possibility of raising this with Scooter, and based on my conversations with Mike Green on how Scooter is likely to feel compelled to react, and the fact that Scooter already knows what we are doing and could easily volunteer if he saw a way to be helpful, I would pass on that as well. Thus, I think we (but mostly you and Avner) should discuss the possibility of a call from Denise and Abe (maybe together?), otherwise I would have you do what you are already doing, and volunteer our help if there are any questions raised by the WH lawyers or by the SDNY if it is contacted.

To all, please feel free to comment. I am only giving my view with the goal of reaching a decision.

Bob



Fink, Robert - NY

From: Fink, Robert - NY  
Sent: Wednesday, December 27, 2000 11:04 AM  
To: 'Gershon Kekst'  
Cc: 'Avner Azulay'; 'Jack Quinn'; 'Kitty Behan'  
Subject: FW: Chuck Shumer

Here is another message from Avner which you did not receive. Avner is looking for suggestions on who could contact the senior Senator and ask for support so that the only request for help from the Jewish community is not to HRC. It may be that DR can play this role as well. What do you think? And what do you think of Pinky's suggestion?

Best regards,  
Bob

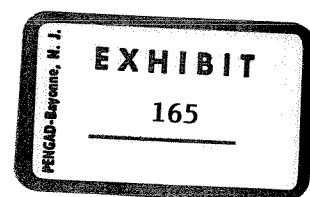
-----Original Message-----

From: Avner [SMTP:azulrich@redacted]  
Sent: Wednesday, December 27, 2000 8:26 AM  
To: quinn jack; Fink, Robert - NY  
Cc: Rich, Marc; behan kathleen  
Subject: Chuck Shumer

I have been advised that HRC shall feel more at ease if she is joined by her elder senator of NY who also represents the jewish population. The private request from DR shall not be sufficient. It seems that this shall be a pre requisite from her formal position.

All senators are meeting on Jan 3rd. and then shall take off.

Bob, can you check with Gershon which is the best way to get him involved. I shall check with Abe.  
rgds-AA



Fink, Robert - NY

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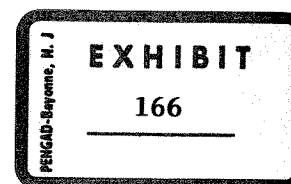
From: Fink, Robert - NY  
Sent: Thursday, December 28, 2000 10:49 AM  
To: 'Jack Quinn'

I tried to call but I got a fax line. If you get a minute, please call. I promise not to hold you on the phone.

I understand I am to call DR and ask her to call HRC, but I wanted to talk to you first to make sure that makes sense and to determine what you thought DR should be saying, not just what she should be asking.

Other than that, it looks like we are waiting for you to reach the lawyers or POTUS and have a follow up conversation.

Hope all is well there. Bob





Fink, Robert - NY

From: Fink, Robert - NY  
Sent: Thursday, December 28, 2000 2:12 PM  
To: 'Avner Azulay'  
Cc: 'Marc Rich'

I spoke to DR who was adamantly against the proposal. She is convinced it would be viewed badly by the recipient. Nothing good will come of the overture even with a good word from anyone in NY.

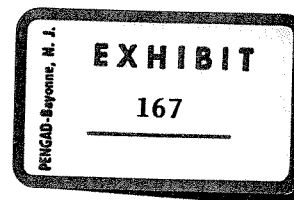
She said she is convinced of this and so is her friend who has advised DR not to discuss it in front of HRC.

I spoke to MR both before the call and in the middle of this email and he now agrees we should do nothing on this topic.

I am going to Vermont tonight and hope to stay until Monday.

If I do not speak to you have a happy, healthy new year.

Bob



## Fink, Robert - NY

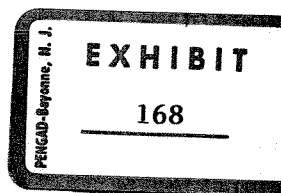
From: Fink, Robert - NY  
Sent: Saturday, December 30, 2000 3:37 PM  
To: 'Jack Quinn'  
Subject: RE: Mrs. Rabin

I will call Avner to see what he thinks. I am at [REDACTED] and just sitting around during a snow storm so I may call later. If we do not speak, and even if we do, have a healthy happy new year. DR was very sure speaking to HRC was a mistake and told me that Beth warned her not to raise the issue while HRC was in ear shot. Still want to contact HRC?  
Bob

-----Original Message-----

From: Jack Quinn  
To: 'Fink, Robert - NY'  
Sent: 12/30/00 12:41 PM  
Subject: RE: Mrs. Rabin

Hope you're checking email; i don't have access here to avner's email address, or marc's, and wonder if you can inquire whether there is a possibility of persuading Mrs Rabin to make a call to POTUS. He had a deep affection for her husband. P.S. I continue to think it most likely HRC would be at least informed before anything positive happens, given the possibility of a Giuliani/NY press reaction. Wish we had a way of solving the Rudy problem. I wasn't able to connect with Eric yesterday. Will try again on Tuesday. Best. And happy New Year.



PMR&W 00089

Fink, Robert - NY

From: Fink, Robert - NY  
Sent: Tuesday, January 02, 2001 11:58 AM  
To: 'Jack Quinn'  
Cc: 'Avner Azulay'; 'Kitty Behan'  
Subject: RE:

Frankly, I think you are the best person at this point. You signed the petition and the letter and know the case better than anyone else who could call. DR is out and probably could only make a personal appeal. You know of Abe Foxman and of the Israeli connection and of all the giving and of the Brooklyn connection (Pinky). So my vote is that you call her. Do you need to talk with Abe or anyone first?  
Bob

-----Original Message-----

From: Jack Quinn (SMTP:JQuinn@[REDACTED])  
Sent: Sunday, December 31, 2000 1:02 AM  
To: 'Fink, Robert - NY'  
Subject: RE:

it's a tough call, no doubt. i just think that HE will know the calculation you mention and therefore she will become aware it is pending. if this is right, do we want her to hear about it first in that way or from someone (assuming we have someone) who can put it to her in the context we need?

-----Original Message-----

From: Fink, Robert - NY  
To: 'Jack Quinn'  
Sent: 12/30/00 3:40 PM  
Subject: RE:

I just scrolled down to this email so I guess I know the answer to my last question, but I cannot help but think they are right. She has something to lose and little to gain and may not want anything which will affect her new position. I will try to call later if you do not mind.  
Bob

-----Original Message-----

From: Jack Quinn  
To: 'Fink, Robert - NY'  
Sent: 12/28/00 6:46 PM  
Subject: RE:

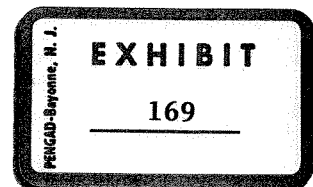
i think the friend is naive to think this will not be discussed in front of her.

-----Original Message-----

From: Fink, Robert - NY  
To: 'Jack Quinn'  
Sent: 12/28/00 3:24 PM  
Subject: FW:

I am forwarding this to you in case we do not speak. Have a good vacation.  
bob

> -----Original Message-----  
> From: Fink, Robert - NY



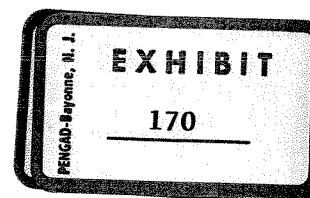
Fink, Robert - NY

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**From:** Fink, Robert - NY  
**Sent:** Tuesday, January 16, 2001 11:44 AM  
**To:** 'Jack Quinn'  
**Cc:** 'Mike Green'; 'Marc Rich'; 'Avner Azulay'

Mike Green called after speaking with Peter who spoke with Podesta: it seems that while the staff are not supportive they are not in a veto mode, and that your efforts with POTUS are being felt. It sounds like you are making headway and should keep at it as long as you can. We are definitely still in the game. (Oh, I hate sports analogies.)

My best regards, and an offer to do anything you think can be helpful. Bob



PMR&W 00169

# JACK QUINN

MULTI-ADDRESS FACSIMILE TRANSMITTAL SHEET		
<b>RECIPIENTS</b> Beth Nolan Bruce Lindsey Betty Currie	<b>RECIPIENTS' FAX #'S</b> [REDACTED] [REDACTED] [REDACTED]	<b>RECIPIENTS' PHONE #'S</b>  
<b>SENDER</b> Jack Quinn	<b>SENDER'S TELEPHONE #</b>  	
<b>NUMBER OF PAGES (INCLUDING COVER)</b>	<b>DATE</b>	
3	January 18, 2001	
<b>RE:</b>	<b>YOUR REFERENCE NUMBER:</b>	
<p align="center"><i>Confidential</i></p> <p>Information intended only for the use of the addressee named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, please note that dissemination, distribution or copying of this communication is strictly prohibited. Anyone who receives this communication in error should notify us immediately by telephone and return the original message to us at the above address via U.S. mail.</p>		

☐ URGENT   
 ☐ FOR REVIEW   
 ☐ PLEASE COMMENT   
 ☐ PLEASE REPLY   
 ☐ PLEASE RECYCLE  
 NOTES/COMMENTS

# Jack Quinn

January 18, 2001

*By Telecopy and Hand Delivery*

The Honorable William Jefferson Clinton  
President of the United States  
The White House  
Washington, DC 20502

Dear Mr. President:

I am writing to clarify several points with regard to the petition to pardon Marc Rich (and his partner Pincus Green), and to propose a solution to any concerns you might have regarding the setting of an unwise precedent involving individuals living outside the jurisdiction of our American country.

First, I think it is important to note that much of Mr. Rich and Mr. Green's professional lives have been spent abroad. For example, Mr. Rich was the head of Phillip Brothers' Office in Spain, and Mr. Green was stationed in Switzerland and other parts of Europe for much of his professional life. Thus, while they did not return to the United States following the issuance of the indictment, there is no question that this did not constitute a significant change in their international living circumstances.

Second, Mr. Rich and Mr. Green violated no laws in not returning to the United States, and no violation of law with regard to their purported "fugitivity" ever has been alleged. The United States did pursue whether Mr. Rich and Mr. Green could be *required* to return under international law and was unsuccessful in those efforts.

Thus, Mr. Rich and Mr. Green have lived not as fugitives, but their residences and places of business always have been available to and known to the United States. As a result, a pardon of Mr. Rich and Mr. Green would create no precedent with regard to fugitives who seek to evade justice by fleeing the United States and residing surreptitiously abroad.

However, I also want to make it clear that Mr. Rich and Mr. Green do not seek a pardon to avoid the legal consequences of their conduct. Rather, given the manifest unfairness of a criminal proceeding against them (as I have outlined previously), they seek relief from criminal sanctions only. My clients have authorized me to make it clear that they have always sought to negotiate a civil resolution with the government, and

William Jefferson Clinton  
January 18, 2001  
Page 2

would willingly accept a disposition that would subject them to civil proceedings with the Department of Energy (or other appropriate agencies). This is how other violations of the DOE pricing regulations were handled, including against ARCO. Moreover, such a resolution involving individuals is specifically contemplated by 15 U.S.C. 754, which concerns civil penalties for DOE regulatory violations. The language to effectuate such a conditional pardon could include the following:

Marc Rich and Pincus Green are pardoned from all crimes against the United States of America arising out of the actions, transactions and matters alleged in the criminal indictment pending in the Southern District of New York, S 83 Cr. 579 (SWK), provided that each of Marc Rich and Pincus Green agree in writing, by notice delivered within 30 days to the General Counsel of the Department of Energy, to be subject to the civil jurisdiction of the United States Department of Energy in connection with any civil fine or penalty which lawfully may be imposed in connection with the same actions and transactions which are the subject of this pardon.

I look forward to speaking with you further about this.

Sincerely,

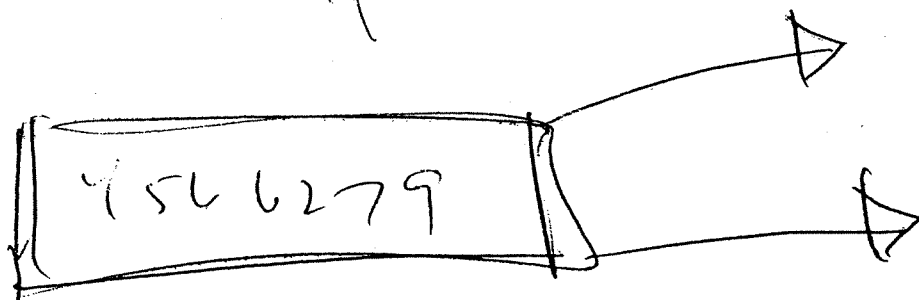
A handwritten signature in black ink that reads "Jack". The signature is stylized with a large, looping "J" and a trailing flourish.

Jack Quinn

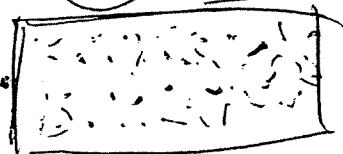
Beth - should have returned

Bruce - must be guilty

Casa - find impelling - use pro  
unfair



⊛ still impelling guilt



Hester - no personal prob.  
harm from SD  
personal fault - not  
strongly agt.





Detail of Local Usage (continued)  
JOHN QUINN

SUPER SAVER

Line	Date	Time	Calls To	Number Called	ESN	Feature	Period	Min	Airtime	Toll	Add'l	Al
									Charge	Charge	Charge	

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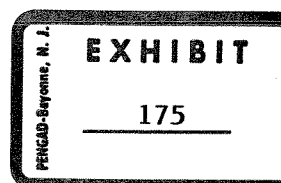
PK = Peak, OP = Off Peak

Fink, Robert - NY

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From: Fink, Robert - NY  
Sent: Friday, January 19, 2001 6:08 PM  
To: 'Jack Quinn'

I would say, Do it for me. I know it is deserved.



PMR&W 00406

JACK QUINN

- unusual
- but not unworthy
- never was a case
  - \* for \* Rice \* found
- stayed away - publicity  
[CTS/RUDY SAY OVER REACTION]
- will submit to some  
civil processes in Abu,  
others somebody sit.
- controversial / defensible
- limitation record since  
that time
- Ken Starr [Ira-  
Lumre]
- inequity
- bias - civil Ten
- Israel

CONFIDENTIAL

*Jack Quinn*

January 19, 2001

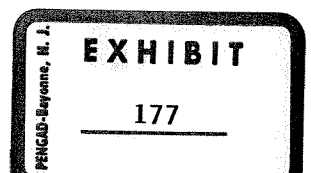
President William Jefferson Clinton  
Washington, D.C.

Dear President Clinton:

I am writing to confirm that my clients, Marc Rich and Pincus Green, waive any and all defenses which could be raised to the lawful imposition of civil fines or penalties in connection with the actions and transactions alleged in the indictment against them pending in the Southern District of New York. Specifically they will not raise the statute of limitations or any other defenses which arose as a result of their absense.

Respectfully yours,

*Jack*  
Jack Quinn



"...and he shall have Power to grant  
Reprieves and Pardons for Offenses  
against the United States..."

Wolfgang Rönnebeck

# My Reasons for the Pardons

By William Jefferson Clinton

**B**CHAPPAQUA, N.Y. Because of the intense scrutiny and criticism of the pardons of Marc Rich and his partner Pincus Green and because legitimate concerns have been raised, I want to explain what I did and why.

First, I want to make some general comments about pardons and commutations of sentences. Article II of the Constitution gives the president broad and unreviewable power to grant "Reprieves and Pardons" for all offenses against the United States. The Supreme Court has ruled that the pardon power is granted "[t]o the [president] ... and it is granted without limit" (United States v. Klein). Justice Oliver Wendell Holmes declared that "[a] pardon ... is ... the determination of the ultimate authority that the public welfare will be better served by [the pardon] ..." (Biddle v. Perovich). A president may conclude a pardon or commutation is warranted for several reasons: the desire to restore full citizenship rights, including voting, to people who have served their sentences and lived within the law since; a belief that a sentence was excessive or unjust; personal circumstances that warrant compassion; or other unique circumstances.

The exercise of executive clemency is inherently controversial. The reason the framers of our Constitution vested this broad power in the Executive Branch was to assure that the president would have the freedom to do what he deemed to be the right thing, regardless of how unpopular a decision might be. Some of the uses of the power have been extremely controversial, such as President Washington's pardons of leaders of the Whiskey Rebellion, President Harding's commutation of the sentence of Eugene Debs, President Nixon's commutation of the sentence of James Hoffa, President Ford's pardon of former President Nixon, President Carter's pardon of Vietnam War draft resisters, and President Bush's 1992 pardon of six Iran-contra defendants, including former Defense Secretary Weinberger, which assured the end of that investigation.

On Jan. 20, 2001, I granted 140 pardons and issued 36 commutations. During my presidency, I issued a total of approximately 450 pardons and commutations, compared to 406 issued by President Reagan during his two terms. During his four years, President Carter issued 566 pardons and commutations, while in the same length of time President Bush granted 77. President Ford issued 409 during the slightly more than two years he was president.

The vast majority of my Jan. 20 pardons and reprieves went to people who are not well known. Some had been sentenced pursuant to mandatory-sentencing drug laws, and I felt that they had served long enough, given the particular circumstances of the individual cases. Many of these were first-time nonviolent offenders with no previous criminal records; in some cases, codefendants had received significantly shorter sentences. At the attorney general's request, I commuted one death sentence because the defendant's principal accuser later changed his testimony, casting doubt on the defendant's guilt. In some cases, I granted pardons because I felt the individuals had been unfairly treated and punished pursuant to the Independent Counsel statute then in existence. The remainder of the pardons and commutations were granted for a wide variety of fact-based reasons, but the common denominator was that the cases, like that of Patricia Hearst, seemed to me deserving of executive clemency. Overwhelmingly, the pardons went to people who had been convicted and served their time, so the impact of the pardon was principally to restore the person's civil rights. Many of these, including some of the more controversial, had vigorous bipartisan support.

The pardons that have attracted the most criticism have been the pardons of Marc Rich and Pincus Green, who were indicted in 1983 on charges of racketeering and mail and wire fraud, arising out of their oil business.

Ordinarily, I would have denied pardons in this case simply because these men did not return to the United States to face the charges against them. However, I decided to grant the pardons in this unusual case for the following legal and foreign policy rea-

sons: (1) I understood that the other oil companies that had structured transactions like those on which Mr. Rich and Mr. Green were indicted were instead sued civilly by the government; (2) I was informed that, in 1985, in a related case against a trading partner of Mr. Rich and Mr. Green, the Energy Department, which was responsible for enforcing the governing law, found that the manner in which the Rich/Green companies had accounted for these transactions was proper; (3) two highly regarded tax experts, Bernard Wolfman of Harvard Law School and Martin Ginsburg of Georgetown University Law Center, reviewed the transactions in question and concluded that the companies

## ‘There was absolutely no quid pro quo.’

“were correct in their U.S. income tax treatment of all the items in question, and [that] there was no unreported federal income or additional tax liability attributable to any of the [challenged] transactions”; (4) in order to settle the government’s case against them, the two men’s companies had paid approximately \$200 million in fines, penalties and taxes, most of which might not even have been warranted under the Wolfman/Ginsburg analysis that the companies had followed the law and correctly reported their income; (5) the Justice Department in 1989 rejected the use of racketeering statutes in tax cases like this one, a position that The Wall Street Journal editorial page, among others, agreed with at the time; (6) it was my understanding that Deputy Attorney General Eric Holder’s position on the pardon application was “neutral, leaning for”; (7) the case for the pardons was reviewed and advocated not only by my former White House counsel Jack Quinn but also by three distinguished Republican attorneys: Leonard Garment, a former Nixon White House official; William Bradford Reynolds, a former high-ranking official in the Reagan Justice Department; and Lewis Libby, now Vice

President Cheney’s chief of staff; (8) finally, and importantly, many present and former high-ranking Israeli officials of both major political parties and leaders of Jewish communities in America and Europe urged the pardon of Mr. Rich because of his contributions and services to Israeli charitable causes, to the Mossad’s efforts to rescue and evacuate Jews from hostile countries, and to the peace process through sponsorship of education and health programs in Gaza and the West Bank.

While I was troubled by the criminalization of the charges against Mr. Rich and Mr. Green, I also wanted to assure the government’s ability to pursue any Energy Department, civil tax or other charges that might be available and warranted. I knew the men’s companies had settled their disputes with the government, but I did not know what personal liability the individuals might still have for Energy Department or other violations.

**T**herefore, I required them to waive any and all defenses, including their statute of limitations defenses, to any civil charge the government might bring against them. Before I granted the pardons, I received from their lawyer a letter confirming that they “waive any and all defenses which could be raised to the lawful imposition of civil fines or penalties in connection with the actions and transactions alleged in the indictment against them pending in the Southern District of New York.”

I believe my pardon decision was in the best interests of justice. If the two men were wrongly indicted in the first place, justice has been done. On the other hand, if they do personally owe money for Energy Department penalties, unpaid taxes or civil fines, they can now be sued civilly, as others in their position apparently were, a result that might not have been possible without the waiver, because civil statutes of limitations may have run while they were out of the United States.

While I was aware of and took into account the fact that the United States attorney for the Southern District of New York did not support these pardons, in retrospect, the process would have been better served had I sought her views directly. Further, I regret

that Mr. Holder did not have more time to review the case. However, I believed the essential facts were before me, and I felt the foreign policy considerations and the legal arguments justified moving forward.

The suggestion that I granted the pardons because Mr. Rich’s former wife, Denise, made political contributions and contributed to the Clinton library foundation is utterly false. There was absolutely no quid pro quo. Indeed, other friends and financial supporters sought pardons in cases which, after careful consideration based on the information available to me, I determined I could not grant.

In the last few months of my term, many, many people called, wrote or came up to me asking that I grant or at least consider granting clemency in various cases. These people included friends, family members, former spouses of applicants, supporters, acquaintances, Republican and Democratic members of Congress, journalists and total strangers. I believe that the president can and should listen to such requests, although they cannot determine his decision on the merits. There is only one prohibition: there can be no quid pro quo. And there certainly was not in this or any of the other pardons and commutations I granted.

I am accustomed to the rough and tumble of politics, but the accusations made against me in this case have been particularly painful because for eight years I worked hard to make good decisions for the American people. I want every American to know that, while you may disagree with this decision, I made it on the merits as I saw them, and I take full responsibility for it. □

*William Jefferson Clinton was the 42nd president of the United States.*

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MIS/IF ENCOUNTERED CONTACT S/A KILFOIL VIA SECTOR II FTS 6685472/FBI

AGENT MARK BROOKE 212 5532700

ORI IS US CUSTOMS SERV OFFICE OF ENF NEW YORK NY

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EXHIBIT

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DOJ/SDNY-MR-00021



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5 10:50:24 03/18/94  
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ORI IS FBI NEW YORK NY

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IMMED CONFIRM WARRANT AND EXTRADITION WITH ORI

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ORI IS IRS CRIMINAL INVESTIGATION DIV HQ WASHINGTON DC

NIC/W369016859

IMMED CONFIRM WARRANT AND EXTRADITION WITH ORI

MKE/WANTED PERSON

## Jack Quinn

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From: Jack Quinn  
Sent: Monday, January 22, 2001 5:04 PM  
To: 'Fink, Robert - NY'; 'Avner Azulay'; 'Kitty Behan'; Jack Quinn; 'Mike Green'; 'Gershon Kekst'  
Cc: 'Marc Rich'  
Subject: RE:

I would say that a vast range of people spoke up for marc, including people familiar with his case, his personal life and his good works. I would refer them hen to the formal filings. I continue to believe it important that we let people see that we made a great case on the merits. And, they should know marc was represented by prominent republicans over the years. P.S. just spoke to holder. said i did a very good job and that he thinks we shd be better about getting the legal merits of the case out publicly. i assured him we were and that we were letting the press see the petition and attachments. he was unsure about how to get indictment dismissed and travel restrictions lifted -- said after a few days and after we have individual warrant in hand we shd contact SDNY to discuss -- if they say they wil do nothing, we move in ct to both dismiss and have ins, interpol, etc notified. he also thinks we shd make public our commitment to waive defenses to civil penalties at doe and tthe support of barak.

-----Original Message-----

From: Fink, Robert - NY [mailto:robert.fink@████████████████████]  
Sent: Monday, January 22, 2001 4:12 PM  
To: 'Avner Azulay'; 'Kitty Behan'; 'Jack Quinn'; 'Mike Green'; 'Gershon Kekst'  
Cc: 'Marc Rich'  
Subject:

I have beer asked who lobbied the President in behalf of Marc ( and Finky)  
and said it may be private and therefore did not immediately respond..  
May  
I? Who should I say? I have told everyone that Denise was in favor of the  
resolution of this case and was in favor of the pardon. I am trying to reach  
her to let her know what I have said. Otherwise, I will keep calling people  
back. So far it has been a full time job today.  
Marc, I was asked who handled the divorce for you in Switzerland. I think  
Andre. OK to give his name if pursued?  
Bob

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